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Practitioner's Docket No. P03592US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: ERIC M. WEAVER

Application No.: 09 / 258,553

Group 1 No. 1644

Filed: FEBRUARY 26, 1999

Examiner: GERALD EWOLDT

For: ANIMAL SERUM PRODUCT FOR GUT MUCOSAL PROTECTION AND
PREVENTION OF INFECTION BY VEROTOXIN-PRODUCING ORGANISMS☐ Patent No.:

Issued:

*NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents
Washington, D.C. 20231

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
(37 C.F.R. § 1.28(b))

NOTE: Notification of any change in status resulting in loss of entitlement to small entity status must be filed in an application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate, pursuant to § 1.9 of this Part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to § 1.34(a) of this Part. 37 C.F.R. § 1.28(b)

NOTE: From the above portion of 37 C.F.R. § 1.28(b), it is only a change in status "resulting in loss of entitlement to small entity status" that must be filed, and a change from one small entity status to another small entity status requires no notification.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date:

1/18/01

Signature

JACKIE CARLEY

(type or print name of person certifying)

Applicant hereby notifies the Patent and Trademark Office that it is no longer entitled to status as a small entity, and that the claim for small entity status, set forth in the verified statement filed on FEBRUARY 26, 1999, is hereby withdrawn.

Date JANUARY 18, 2001

WENDY K. MARSH

(print or type name of person signing)


Signature

P.O. Address of signatory

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record
- ☐ Filed under Rule 34(a)

Registration No:

(if applicable)

Telephone No. (515) 288-3667

Reg. No. 39,705, WENDY K. MARSH

Customer No. 22885

(complete the following, if applicable)

AMPC, INC.

(type name of assignee)

2325 NORTH LOOP DRIVE

Address of assignee

AMES, IA 50010

Title of person authorized to sign on behalf of assignee

filed as of
Assignment recorded in PTO January 15, 2001

Reel _____ Frame _____

NOTE: A statement under 37 C.F.R. § 3.73(b) is not required to be submitted when the assignee signs a small entity declaration. Notice of April 30, 1993, 1150 O.G. 62-64.

(Notification of Loss of Entitlement to Small Entity Status [7-5]—page 2 of 2)

Applicant or Patentee: Eric M. Weaver

Serial No. or Patent No: _____

Filed or Issued: _____

For: ANIMAL SERUM PRODUCT FOR GUT MUCOSAL PROTECTION AND PREVENTION OF
INFECTION BY VEROTOXIN-PRODUCING ORGANISMS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(d) AND 1.27(c)) - SMALL BUSINESS CONCERN**

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I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN LG LaboratoriesADDRESS OF CONCERN 2501 North Loop Drive, Suite 800, Ames, Iowa 50010

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.8-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ANIMAL SERUM PRODUCT FOR GUT MUCOSAL PROTECTION AND PREVENTION OF INFECTION BY VEROTOXIN-PRODUCING ORGANISMS by inventor(s) Eric M. Weaver, described in

☒ the specification filed herewith.☐ application Serial No. _____, filed _____☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of payment, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME AND TITLE OF PERSON SIGNING Nix Lauridsen, PresidentADDRESS OF PERSON SIGNING LG Laboratories, 2501 North Loop Drive, Suite 800, Ames, Iowa 50010

SIGNATURE _____

DATE 2/25/99



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January 15, 2001

Docket No.: P03592US1

JAN 23 2001

APPLICANT: WEAVER, Eric M.
SERIAL NO. 09/258,553
FILED: February 26, 1999
TITLE: ANIMAL SERUM PRODUCT FOR GUT MUCOSAL
PROTECTION AND PREVENTION OF INFECTION
BY VEROTOXIN-PRODUCING ORGANISMS

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Please acknowledge receipt of the following:

Certificate of First Class Mailing	1 pg.
Recordation Form Cover Sheet Patents Only	1 pg.
Executed Articles of Merger	3 pgs.
Check	\$40.00
WKM/jc	



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PAY
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OF

ZARLEY MCKEE, THOMTE,
VOORHEES & SEASE, P.L.C.

ATTORNEYS AT LAW

801 GRAND AVE., SUITE 3200
DES MOINES, IA 50309-2721
(515) 288-3667

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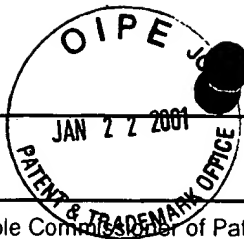
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Commissioner of Patents & Trademark
Washington, DC 20231

DATE	AMOUNT
01/15/2001	\$40.00

⑈057427⑈ ⑆073000176⑆ 010130093887⑈

David W. Clark
09/258,553



RECORDATION FORM COVER SHEET
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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

L. G. LABORATORIES, INC.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☒ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: December 29, 2000

2. Name and address of receiving party(ies)

Name: AMPC, INC.

Internal Address: _____

Street Address: 2325 North Loop Drive

City: Ames State: IA Zip: 50010

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/258,553

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Wendy K. Marsh

Internal Address: _____

Street Address: 801 Grand, Suite 3200

City: Des Moines State: IA Zip: 50309-2721

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed [Please charge any deficiency or credit any overpayment to Deposit Account No. 26-0084]

☐ Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Wendy K. Marsh

Name of Person Signing


Signature

1/15/01
Date

Total number of pages including cover sheet, attachments, and document: 4

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231



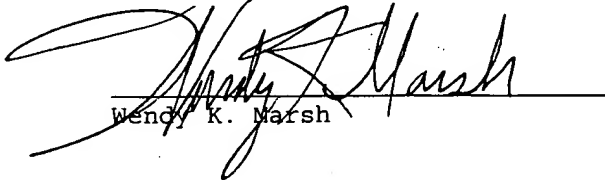
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CERTIFICATE OF MAILING

I hereby certify that the above correspondence was mailed to the Assistant Commissioner for Patents, Box ASSIGNMENTS - FEE, Washington, D.C. 20231, as First Class mail, postage prepaid, this 15th day of January, 2001.


Wendy K. Marsh



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ARTICLES OF MERGER
OF

LG LABORATORIES, INC. WITH AND INTO AMPC, INC.

TO THE SECRETARY OF STATE
OF THE STATE OF IOWA:

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SECRETARY OF STATE
IOWA

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Pursuant to section 1105 of the Iowa Business Corporation Act, AMPC, Inc. (the "Corporation"), adopts the following Articles of Merger.

1. The Plan of Merger is attached hereto as Exhibit A and incorporated herein by reference.
2. Shareholder approval of the merger was not required for shareholder of the Corporation.
3. Shareholder approval of the Merger by LG Laboratories, Inc. was required. The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the Plan as to LG Laboratories is as follows:

DESIGNATION OF GROUP	SHARES OUTSTANDING	VOTES ENTITLED TO BE CAST ON AMENDMENT
Common Stock	1,000	1,000

The total number of votes cast for and against the Plan by each voting group entitled to vote separately on the Plan is as follows:

VOTING GROUP	VOTES FOR	VOTES AGAINST
Common Stock	1,000	-0-

AMPC, INC.

By: Keith A. Barnes
Keith A. Barnes
President and Chief Executive Officer

LG LABORATORIES, INC.

By: Keith A. Barnes
Keith A. Barnes
President and Chief Executive Officer

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EXHIBIT A

PLAN OF MERGER

THIS PLAN OF MERGER ("Plan") is made and entered into, pursuant to section 1101 of the Iowa Business Corporation Act, as of this 29 day of December, 2000, by and between AMPC, Inc., an Iowa corporation ("Corporation"), and LG Laboratories, Inc., an Iowa corporation ("LG").

WHEREAS, Corporation and LG are under common ownership by The Lauridsen Group, Inc.

WHEREAS, Corporation and LG desire to merge LG with and into Corporation.

WHEREAS, the respective Boards of Directors of Corporation and LG have determined that said merger be effectuated upon the terms and conditions set forth herein and therefore have, by resolutions duly adopted, approved this Plan, subject to the approval and adoption of this Plan by the shareholder of LG.

NOW, THEREFORE, in consideration of the Recitals and mutual covenants contained herein, the parties hereto agree to and adopt the following Plan of Merger:

1. Merger. In accordance with the applicable provisions of the Iowa Business Corporation Act (the "IBCA"), LG shall be merged with and into the Corporation (the "Merger") on the Effective Date (as that term is defined in Paragraph 2 below), with the Corporation continuing as the surviving corporation.

2. Effective Date. This Plan shall be submitted to a vote of the shareholder of LG promptly following the execution hereof. If this Plan is approved by the shareholder of LG in the manner required by the IBCA, the Corporation shall, as soon as is practicable, file Articles of Merger with the Iowa Secretary of State in accordance with the IBCA (the "Articles of Merger"). The merger shall take effect as of the date the Articles of Merger are filed with the Iowa Secretary of State (the "Effective Date").

3. Stock. On the Effective Date, each share of common stock of LG issued and outstanding immediately prior to the Effective Date, shall automatically, without notice to or any further action by LG or the holder thereof, be cancelled by operation of the Merger. Such cancellation of the issued and outstanding common stock of LG on the Effective Date will leave The Lauridsen Group, Inc., an Iowa corporation and sole shareholder of both LG and the Corporation, as the sole shareholder of the surviving Corporation.

4. Effect of Merger. On the Effective Date

- (a) LG will merge with and into the Corporation, with the Corporation as the surviving corporation, and the separate existence of LG shall cease.

- (b) The title to all property owned by LG shall be vested in the Corporation without reservation or impairment.
- (c) The Corporation shall have all liabilities of LG.
- (d) The Merger shall otherwise have all of the effects of a merger as provided in Section 490.1106 of the IBCA.

5. Entire Agreement. This Plan constitutes the entire agreement between the parties hereto pertaining to the subject matters hereof and supersedes all negotiations, preliminary agreements and all prior or contemporaneous discussions and understandings of the parties hereto in connection with the subject matters hereof.

6. Governing Law. This Plan shall be governed by and construed in accordance with the laws of the State of Iowa but without regard to provisions thereof relating to conflicts of law.

7. Binding Effect on Successors and Assigns. This Plan shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors, legal representatives and permitted assigns. Nothing in this Plan, express or implied, is intended to confer upon any party other than the parties hereto (and their respective heirs, successors, legal representatives and permitted assigns) any rights, remedies, liabilities or obligations under or by reason of this Plan.

IN WITNESS WHEREOF, the parties have executed this Plan as of the day and year first above written.

AMPC, INC.

By: 

Keith A. Barnes

President and Chief Executive Officer

LG LABORATORIES, INC.

By: 

Keith A. Barnes

President and Chief Executive Officer

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